

Appendix D
Cultural Resource and Section 4(f) Correspondence



Robert L. Ehrlich, Jr.
GOVERNOR

Michael S. Steele
LT. GOVERNOR

Victor L. Hoskins
SECRETARY

Shawn S. Karimian
DEPUTY SECRETARY

May 3, 2005

Melissa Williams
Maryland Transportation Authority
Engineering Division
300 Authority Drive
Baltimore, MD 21222-2200

Re: Section 100: I-95, I-895 (N) Split to North of MD 43
Baltimore City and County, Maryland

Dear Ms. Williams:

Thank you for requesting the comments and concurrence of the Maryland Historical Trust (Trust) concerning the above-referenced project. The Trust has reviewed project materials submitted by your agency pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We are writing to provide our determination regarding the effect of the proposed undertaking on historic properties.

In 2004, Trust staff reviewed archeology and historic structures reports prepared to identify and evaluate cultural resources within the project's Area of Potential Effect (APE). The archeology report: *Section 100: I-95, I-895 (N) Split to North of MD 43 Phase I Archeological Survey, Baltimore City and Baltimore County, Maryland* presented detailed documentation on the goals, methods, results, and recommendations of Phase I archeological survey conducted of the study area. The survey identified and examined four archeological sites within the study area. Based on the nature of the resources, loss of integrity, and their limited ability to yield important information, it is the Trust's opinion that sites 18BA160, 18BA514, 18BA515, and 18BA516 do not meet the criteria for eligibility in the National Register of Historic Places. Therefore, the Trust stated in our letter of June 16, 2004 that no additional archeological investigations are warranted for this undertaking.

The *Historic Context and Determination of Eligibility and Effects Report, Section 100: I-95, I-895(N) Split to North of MD 43, Baltimore City and Baltimore County, Maryland, Volumes I and II* included ninety Determination of Eligibility (DOE) forms prepared to document historic structures within the APE. In June 2004, the Trust was able to provide our concurrence with the National Register eligibility determinations for most of the documented resources. However, we requested additional documentation for three properties: the Koch Property (MIHP No. BA-3141), the McLean Property (BA-3144) and the Church of Annunciation Residence (BA-3154). The revised documentation for these properties was received in August 2004 and subsequently accepted by the Trust. We concur that the Koch Property is eligible for listing in the National Register of Historic Places under Criterion C as an example of an early nineteenth century fieldstone house that retains a high degree of integrity. The McLean Property and the Church of Annunciation Residence are not eligible for the National Register.

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Ms. Melissa Williams

Section 100: I-95, I-895(N) Split to North of MD 43

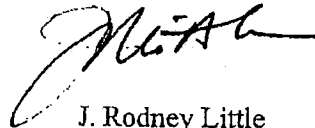
May 3, 2005

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The Koch Property is the only historic property located within the APE for the I-95, Section 100 project. The property is currently separated, both physically and visually, from the interstate highway by a substantial stand of trees. The house and grounds of the eligible property will be unchanged by the proposed project and no property will be acquired in the vicinity of the property. Therefore, the undertaking will have no adverse effect on the Koch Property. No further review of this undertaking is required.

If you have questions or require further assistance, please contact Tim Tamburrino at Tamburrino@dhcd.state.md.us or 410-514-7637. Thank you for providing us this opportunity to comment.

Sincerely,



J. Rodney Little
Director/State Historic Preservation Officer

JRL/TJT
200402647

cc: Mr. Charles E. Utermohle (McCormick Taylor)
Mr. Eric Almquist (A.D. Marble & Company)



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February 2, 2005

Mr. Robert L. Barrett
Baltimore County
Department of Recreation and Parks
301 Washington Avenue
Towson, MD 21204

Attention: Ms. Jeanette Tansey

RE: Project ID No. AE 685-000-002/6
JFK, Section 100 Project Planning Studies
I-895/I-95 Split to North of the I-95/MD 43 Interchange

Dear Mr. Barrett,

The Maryland Transportation Authority (The Authority) is currently involved in a project planning study for improvements to I-95 between the I-895 N split and a point just north of the MD 43 interchange. For planning purposes, this project is known as 'I-95 Section 100.' The project involves widening I-95 to provide additional capacity.

The I-95 Section 100 project will cause impacts to wetlands and streams. These impacts will require a mitigation plan to replace their functions and values. Stemmers Run at Linover Park has been identified as a potential site for mitigation enhancement. In accordance with Section 4(f) of the US Department of Transportation Act of 1966, this letter has been sent to request concurrence for the proposed activity.

The proposed enhancement to Stemmers Run, located to the south of I-695 and west of Lillian Holt Drive, will include stream relocation and stabilization along the I-695 encroachment and downstream meander-bend, bio-engineered slope stabilization, grade lowering inside the bend to create floodplain access and associated plantings for riparian buffer, forest and wetland systems. Upon completion, the Authority would not be responsible for additional maintenance activities.

The purposed stream enhancement project will be developed in conformance with the following conditions:

- The occupied area within Linover Park will be of short duration and less than the time needed for construction of the project.
- The enhancement will not change the ownership of the land (Baltimore County Dept. of Recreation and Parks will retain ownership of the area) or result in the retention of long- term or indefinite interests in this property for transportation purposes.

Mr. Robert L. Barrett
February 2, 2005
Page 2 of 2

- The enhancement (i.e., stream relocation and stabilization, bio-engineered slope stabilization, riparian buffer plantings), will not result in any temporary or permanent adverse change to the activities or features which are important to the purpose or function that qualifies the resource for protection under Section 4(f) of the US DOT Act of 1966.
- The activity within the park will require a minor amount of land.
- The land being used will be fully restored, in that the resource will be returned to a condition that is at least as good as that which existed prior to the project.

In order to support a determination of the non- applicability of Section 4(f) of the US Department of Transportation act of 1966, our office requests your concurrence that the proposed enhancements will be accomplished in a manner that will not impair the use of the remaining land, in whole or in part for it's intended purpose.

If you agree with determinations cited above, please indicate your concurrence on the signature line below. Thank you for your prompt response to our request. Should you have any questions, please contact the project manager, Ms. Melissa Williams at (410) 288-8400 extension 383 or by email at mwilliams9@mdta.state.md.us.

Sincerely,



Melissa Williams, Project Manager

Concurrence:



Baltimore County
Department of Recreation and Parks

2/11/05
Date



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March 30, 2005

Project ID#: AE 685-000-002/6

PROJECT: JFK, Section 100 Project Planning Studies
I-895/I-95 Split to North of the I-95/MD 43 Interchange

Mr. Nelson J. Castellanos
Division Administrator
Federal Highway Administration

Attention: Ms. Caryn Brookman

Dear Mr. Castellanos

The Maryland Transportation Authority (the Authority) is writing to request your concurrence with a determination of the non- applicability of Section 4(f) of the US DOT Act (49 U.S.C. Section 303) regarding the temporary use of a small portion of Linover Park for enhancements to Stemmers Run and it's floodplain, and for the use of property currently owned by Baltimore County.

The Authority is currently involved in final design studies for improvements to I-95 between the I-895 N split and a point just north of the MD 43 interchange. For planning purposes, this project is known as 'I-95 Section 100.' The project involves widening I-95 to provide additional capacity.

The enhancement to Stemmers Run, located to the south of I-695 and west of Lillian Holt Drive, will include stream relocation and stabilization along the I-695 encroachment and downstream meander-bend, bio-engineered slope stabilization, grade lowering inside the bend to create floodplain access and associated plantings for riparian, forest and wetland systems. Upon completion, the Authority would not be responsible for additional maintenance activities.

The Baltimore County Department of Recreation and Parks (see attached letters), as the agency with jurisdiction over Linover Park, has no objections to this temporary occupancy and has concurred with the proposed project in consideration of the following conditions:

The occupancy:

- 1) Will be of short duration and less than the time needed for construction of the projects;





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- 2) Will not affect the ownership of the land (Baltimore County Department of Recreation and Parks will retain ownership of the area) or result in the retention of long-term or indefinite interests in this property for transportation purposes other than hiking and biking;
- 3) Will not result in any temporary or permanent adverse change to the activities or features which are important to the purpose or function that qualifies the resource for protection under 4(f); and
- 4) Will include a minor amount of land.

Therefore, in accordance with Federal Highway Administration guidance on the applicability of Section 4(f) in cases of temporary use, we request your concurrence that the temporary occupancy of Linover Park for enhancements along Stemmers Run is not subject to the requirements of Section 4(f).

Sincerely,

Melissa Williams
Project Manager

Concurrence:

Federal Highway Administration
Division Administrator

Date

July 16, 2005



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July 12, 2005

Mr. Nelson J. Castellanos
Division Administrator
Federal Highway Administration

Attention: Ms. Caryn Brookman

RE: Project ID No. KH 504-000-006
JFK, Section 100 Project Planning Study
Cowenton Avenue Park

Dear Mr. Castellanos,

The Maryland Transportation Authority (The Authority) is writing to request your concurrence with a determination of the non- applicability of Section 4(f) of the US DOT Act (49 U.S.C. Section 303) regarding the removal of a private driveway that provides access to Cowenton Avenue Park.

The Authority is currently involved in final design studies for improvements to I-95 between the I-895 N split and a point just north of the MD 43 interchange. For planning purposes, this project is known as 'I-95 Section 100.' The project involves widening I-95 to provide additional capacity.

The I-95 Section 100 project, in particular, the realignment of the Cowenton Avenue Bridge over I-95, will cause impacts to a private driveway that leads to an access point to the Baltimore County owned property that is currently being developed as Cowenton Avenue Park. Impacts to the driveway include removal of the impervious surface. The driveway is not currently used or planned for use by the park. The private driveway is located approximately 150 feet east of the recently constructed entrance to Cowenton Avenue Park. The County property line runs down the middle of the driveway, with half of the driveway being owned by the County and half of the driveway being owned by a private landowner.

The Baltimore County Department of Recreation and Parks (see attached letter), as the agency with jurisdiction over Cowenton Avenue Park, has no objections to the removal of this private driveway and has concurred with the proposed project in consideration of the following conditions:

- Will be of short duration and less than the time needed for construction of the projects;
- Will not affect the ownership of the land (Baltimore County Department of Recreation and Parks will retain ownership of the area) or result in the retention of long-term or indefinite interests in this property for transportation purposes other than hiking and biking;
- Will not result in any temporary or permanent adverse change to the activities or features which are important to the purpose or function

Mr. Nelson J. Castellanos

July 12, 2005

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that qualifies the resource for protection under 4(f); and

- Will include a minor amount of land.

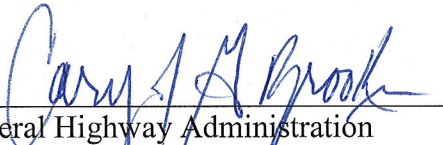
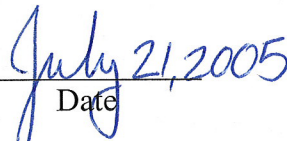
Therefore, in accordance with Federal Highway Administration guidance on the applicability of Section 4(f) in cases of temporary use, we request your concurrence that the temporary occupancy of Cowenton Avenue Park for removal of an existing private driveway is not subject to the requirements of Section 4(f).

Sincerely,



Melissa Williams
Project Manager

Concurrence:


Federal Highway Administration
Division Administrator
Date